

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

KPN B.V.,

Plaintiff,

- against -

CORCYRA D.O.O.,  
KSD PACIFIC, LLC,  
MOSHE HAR ADIR, and  
YOSSI ATTIA,

Defendants.

08 CV 1549 (JGK)

ELECTRONICALLY FILED

**DECLARATION OF  
JACOB S. PULTMAN**

JACOB S. PULTMAN, ESQ., declares under penalty of perjury pursuant to  
28 U.S.C. § 1746, as follows:

1. I am an attorney admitted to practice before this Court and am a partner at Allen & Overy LLP, counsel for Plaintiff KPN B.V. in the above-captioned matter. I make this declaration in support of the Plaintiff's opposition to (a) the motion of Corcyra D.O.O. ("Corcyra") to quash service of the Summons and Complaint; (b) the motion of KSD Pacific, LLC for dismissal of the Complaint; (c) the motion of Moshe Har Adir to quash service of the Summons and Complaint and for dismissal of the Complaint; and (d) the motion of Yossi Attia for dismissal of the Complaint.

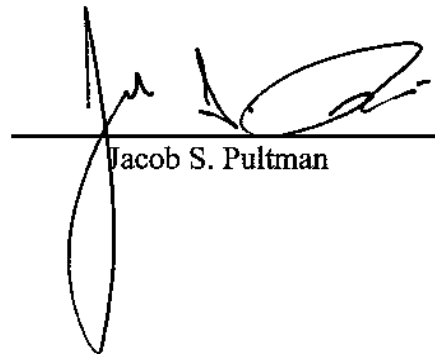
2. Attached as Exhibit 1 are true copies of the Summons to Corcyra, Declaration of Service by Kurt Vellek dated March 31, 2008, Affidavit of Service by Ignacio Gutierrez dated April 11, 2008 and Not Found or Non Service Return dated April 11, 2008;

3. Attached as Exhibit 2 are true copies of the Summons to Moshe Har Adir, Declaration of Service by Kurt Vellek dated March 31, 2008 and Affidavit of Service by Ignacio Gutierrez dated April 11, 2008.

4. Attached as Exhibit 3 is a true copy of the Declaration of Service by Kurt Vellek dated June 18, 2008.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York  
June 23, 2008



Jacob S. Pultman

## EXHIBIT 1

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

Southern

District of

New York

KPN B.V.

SUMMONS IN A CIVIL ACTION

V.

CORCYRA D.O.O.,  
KSD PACIFIC, LLC,  
MOSHE HAR ADIR, and  
YOSSI ATTIA

CASE NUMBER:

08 CV 1549

TO: (Name and address of Defendant)

CORCYRA D.O.O.  
Verudela 17, Pula Croatia 52100  
Attn: Moshe Har Adir

JUDGE KOELTL

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Allen & Overy LLP  
1221 Avenue of the Americas  
New York, NY 10020  
Attn: Jacob S. Pultman

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

CLERK

*Marcos Quintero*

(By) DEPUTY CLERK

FEB 14 2008

DATE

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X	
KPN B.V.,	:
	:
Plaintiff,	:
	:
-against-	:
	:
CORCYRA D.O.O., KSD PACIFIC LLC,	:
MOSHE HAR ADIR, and YOSHI ATTIA,	:
	:
Defendants,	:
-----X	

08 CV 1549 (JGK)

ECF CASE

DECLARATION OF SERVICE

KURT R. VELLEK hereby declares under penalty of perjury that:

1. I am over 18 years of age, not a party to this action, and reside in Mahopac, New York. I am employed by the law firm of Allen & Overy LLP and I am a licensed New York City process server. My license number is 826793.

2. On Friday, February 15, 2008 at approximately 4:50 p.m., I personally served the summons and complaint upon defendant Corcyra d.o.o. ("Corcyra") by its attorney Elliot H. Lutzker, at his offices at Philips Nizer LLP, 666 Fifth Avenue, 28th Floor, New York, New York.

3. The receptionist initially informed Mr. Lutzker over the phone that I was serving legal papers in this action, but he refused to come to the reception area and directed the receptionist to refuse the papers as well. I informed her that the agreement specified that service needed to be made to Mr. Lutzker, and left the papers on the desk.

4. "Jane Doe", the receptionist on the 28th floor offices of Philips Nizer LLP, may be described as a white female in her early fifties with a medium build, with reddish brown hair, and wearing glasses.

5. Also, on repeated occasions on both February 19 and 20, 2008, I caused a copy of the summons and complaint to be delivered by facsimile transmission to Corcyra's overseas offices (fax number +385 52 590 731) pursuant to the agreement. The call failed to properly complete after each attempt.

6. In addition, on February 19, 2008, pursuant to the agreement I served an additional copy of the

summons and complaint upon Elliott Lutzker, Esq., c/o Philips Nizer LLP, 666 Fifth Avenue, New York, New York by US registered mail (receipt no. RA 696 877 633 US). Upon information and belief and according to the records of the US Postal Service, the package was delivered to Philips Nizer LLP on February 20, 2008.

7. Furthermore, on February 19, 2008, pursuant to the agreement I served an additional copy of the summons and complaint upon Corcyra d.o.o., c/o KSD Pacific LLC, 1061 ½ N. Spaulding Avenue, West Hollywood, California 90046 by US registered mail (receipt no. RA 696 877 677 US). Upon information and belief and according to the records of the US Postal Service, the package was delivered to Corcyra on February 26, 2008.

8. Also, on February 19, 2008 I caused an additional copy of the summons and complaint to be served by overnight delivery upon Corcyra d.o.o. c/o Moshe Har Adir, to Verudela 17, Pula, Croatia 52100, pursuant to the agreement. Upon information and belief and according to the records of Federal Express, the package (tracking no. 798377910058) was never claimed.

9. In addition, on February 19, 2008 I caused an additional copy of the summons and complaint to be served by overnight delivery upon Corcyra d.o.o. c/o Moshe Har Adir, to Valdabeckiput 118, Pula, Croatia 52100, pursuant to the agreement. Upon information and belief and according to the records of Federal Express, the package (tracking no. 798377922316) was never claimed.

Dated: March 31, 2008  
New York, New York



KURT R. VELLEK

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

Index No. 08 CV 1549

KPN B.V.

, Plaintiff(s)

- against -

CORCYRA D.O.O., KSD PACIFIC, LLC, MOSHE HAR ADIR, AND YOSSEI ATTIA

, Defendant(s)

State of California }

SS.:

County of Los Angeles }

AFFIDAVIT OF SERVICE

Ignacio Gutierrez being duly sworn, deposes and says that he is over the age of 18 years; is not a party to this action and resides within the State of California. That on 03/06/2008 at 2:38 PM at:

KSD PACIFIC LLC  
164 N. STANLEY DRIVE  
BEVERLY HILLS CA 90069

Deponent served the:


SUBPOENAS IN A CIVIL ACTION AND COMPLAINT

on CORCYRA D.O.O.

a domestic and/or foreign corporation by delivering thereof a true copy to Jane Doe (refused name) personally, deponent knew said corporation so served to be the corporation, described in same as said recipient and knew said individual to be the Person In Charge Of Promis and who stated that they were authorized to accept service thereof.

Deponent describes the individual served as follows:

AGE: 42 HEIGHT: 5'6" WEIGHT: 135 HAIR: BLONDE RACE: WHITE SEX: FEMALE

  
Ignacio Gutierrez Lic. #3060

SWORN TO BEFORE ME April 11<sup>th</sup> 2008

OUR DOC# 20659  
Allan A Overy  
1221 Avenue of The Americas  
New York NY 10020  
646-344-6694



UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

Index No. 08 CV 1549

KPN B.V.

, Plaintiff(s)

- against -

CORCYRA D.O.O., KSD PACIFIC, LLC, MOSHE HAR ADIR, AND YOSHI ADIR

, Defendant(s)

State of California }

SS.:

County of Los Angeles }

NOT FOUND OR NOW SERVICE RETURN

I, the undersigned am and was on the dates herein mentioned, over the age of eighteen years and not a party to the action, attempted to serve the following:

SUMMONS IN A CIVIL ACTION AND COMPLAINT

And that after due search, careful inquiry and diligent attempts at the Business:

CORCYRA D.O.O.  
1051 1/2 N. SEARLOING AVENUE  
LOS ANGELES, CA 90046

I have been unable to make delivery of said process on the within named: CORCYRA D.O.O.

Process is being returned without service for the following reasons:

- 02/22/2008 at 3:22 PM - Business not open (hour wise)
- 02/25/2008 at 11:26 AM - Business not open (hour wise)
- 02/26/2008 at 12:07 PM - Business closed.
- 02/27/2008 at 11:22 AM - Business closed.
- 02/28/2008 at 4:32 PM - Talked to man at location who states that the company is not open.
- 02/29/2008 at 1:07 PM - Business closed.
- 03/03/2008 at 11:22 AM - Business closed.
- 03/04/2008 at 10:08 AM - Business closed.
- 03/05/2008 at 12:13 PM - Business closed.

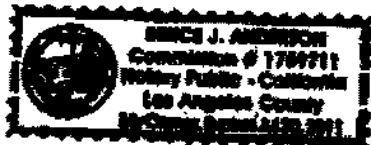
  
Ignacio Gutierrez

Licence #5050

SWORN TO BEFORE ME

April 11<sup>th</sup>, 2008

OUR DOC# 20655  
Allan A. Overy  
1221 Avenue of The Americas  
New York NY 10020  
646-344-6694





## EXHIBIT 2

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

Southern

District of

New York

KPN B.V.

SUMMONS IN A CIVIL ACTION

V.

CORCYRA D.O.O.,  
KSD PACIFIC, LLC,  
MOSHE HAR ADIR, and  
YOSSI ATTIA

CASE NUMBER:

08 CV 1549

JUDGE KOELTL

TO: (Name and address of Defendant)

Moshe Har Adir  
Valdabeci put 118 Pula Croatia 52100

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Allen & Overy LLP  
1221 Avenue of the Americas  
New York, NY 10020  
Attn: Jacob S. Pultman

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

CLERK

*W. Mark Lumbroso*

DATE

FEB 14 2008

(By) DEPUTY CLERK

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X	
KPN B.V.,	:
	:
Plaintiff,	:
	:
-against-	:
	:
CORCYRA D.O.O., KSD PACIFIC LLC,	:
MOSHE HAR ADIR, and YOSSI ATTIA,	:
	:
	:
Defendants,	:
-----X	

08 CV 1549 (JGK)

ECF CASE

DECLARATION OF SERVICE

KURT R. VELLEK hereby declares under penalty of perjury that:

1. I am over 18 years of age, not a party to this action, and reside in Mahopac, New York. I am employed by the law firm of Allen & Overy LLP and I am a licensed New York City process server. My license number is 826793.

2. On Friday, February 15, 2008 at approximately 4:50 p.m., I personally served the summons and complaint upon defendant Moshe Har Adir by his attorney Elliot H. Lutzker, at his offices at Philips Nizer LLP, 666 Fifth Avenue, 28th Floor, New York, New York.

3. The receptionist initially informed Mr. Lutzker over the phone that I was serving legal papers, but he refused to come to the reception area and directed the receptionist to refuse the papers as well. I informed her that the agreement specified that service needed to be made to Mr. Lutzker, and left the papers on the desk.

4. "Jane Doe", the receptionist on the 28th floor offices of Philips Nizer LLP, may be described as a white female in her early fifties with a medium build, with reddish brown hair, and wearing glasses.

5. Also, on February 19, 2008 I caused an additional copy of the summons and complaint to be served by overnight delivery upon Corcyra d.o.o. c/o Moshe Har Adir, to Verudela 17, Pula, Croatia 52100, pursuant to the agreement. Upon information and belief and according to the records of Federal Express, the package (tracking no. 798377910058) was never claimed.

6. In addition, on February 19, 2008 I caused an additional copy of the summons and complaint to be

served by overnight delivery upon Corcyra d.o.o. c/o Moshe Har Adir, to Valdabeckiput 118, Pula, Croatia 52100, pursuant to the agreement. Upon information and belief and according to the records of Federal Express, the package (tracking no. 798377922316) was never claimed.

Dated: March 31, 2008  
New York, New York

  
KURT R. VELLEK

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

Index No. 08 CV 1549

KFN B.V.

, Plaintiff(s)

- against -

CORCYRA D.O.O., KSD PACIFIC, LLC, MOSHE HAR ADIR, AND YOSHI ATTRA

, Defendant(s)

State of California }

SS.:

County of Los Angeles }

AFSIDAVIT OF SERVICE

Ignacio Gutierrez being duly sworn, deposes and says that he is over the age of 19 years; is not a party to this action and resides within the State of California. That on 03/10/2008 at 2:13 PM at:

164 N. STANLEY DRIVE  
BEVERLY HILLS CA 90069

Deponent served the:

SUMMONS IN A CIVIL ACTION AND COMPLAINT

upon MOSHE HAR ADIR,

by delivering a true copy to:

Jane Doe (refused last name), Person In Charge Of Premis

who stated that they were authorized to accept service on behalf of:

MOSHE HAR ADIR.

Within 20 days of such service, deponent enclosed a copy of same in a first class postpaid envelope properly addressed to recipient at:

MOSHE HAR ADIR  
164 N. STANLEY DRIVE  
BEVERLY HILLS CA 90069

and deposited said envelope in an official depository under the exclusive care and custody of the U.S. Postal Service within California State. The envelope bore the legend "PERSONAL & CONFIDENTIAL" and did not indicate by return address or otherwise that the communication was from an attorney or concerned an action against the recipient.

To the best of my knowledge, based on information and belief, the said recipient at the time of service was not engaged in the military service of the United States or California. Recipient wore ordinary civilian clothing and no military uniform.

Deponent describes the individual served as follows:

AGE: 42 HEIGHT: 5'6" WEIGHT: 135 HAIR: BLONDE RACE: WHITE SEX: FEMALE

Ignacio Gutierrez

License #5060

SWORN TO BEFORE ME

April 11, 2008

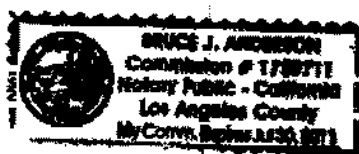
OUR DOC# 20656

Allen & Overy

1221 Avenue of The Americas

New York NY 10020

646-344-6694



## EXHIBIT 3

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X	
KPN B.V.,	:
	:
Plaintiff,	:
	:
-against-	:
	:
CORCYRA D.O.O., KSD PACIFIC LLC,	:
MOSHE HAR ADIR, and YOSSI ATTIA,	:
	:
Defendants,	:
	:
-----X	

08 CV 1549 (JGK)  
ECF CASE  
DECLARATION OF SERVICE BY  
REGISTERED MAIL

KURT R. VELLEK hereby declares under penalty of perjury that:

1. I am employed as the managing clerk of Allen & Overy LLP, counsel for the plaintiff. 2. On June 17, 2008 I served an additional copy of the summons and complaint by registered mail, return receipt requested (No. RA 696 877 779 US), upon Corcyra d.o.o. c/o Moshe Har Adir, to Verudela 17, Pula, Croatia 52100.

3. Also on June 17, 2008 I served an additional copy of the summons and complaint by registered mail return receipt requested (No. RA 696 877 765 US) upon Corcyra d.o.o. c/o Moshe Har Adir, to Valdebeci put 118, Pula, Croatia 52100.

4. In addition, on June 17, 2008 I served an additional copy of the summons and complaint by registered mail, return receipt requested (No. RA 696 877 751 US) upon Moshe Har Adir to Verudela 17, Pula, Croatia 52100.

5. Furthermore, on June 17, 2008 I served an additional copy of the summons and complaint by

registered mail, return receipt requested (No. RA 696 877 748 US upon Moshe Har Adir to Valdebeci put 118,  
Pula, Croatia 52100.

Dated: June 18, 2008  
New York, New York

  
KURT R. VELLEK



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

KPN B.V.,

Plaintiff,

- against -

CORCYRA D.O.O.,  
KSD PACIFIC, LLC,  
MOSHE HAR ADIR, and  
YOSSI ATTIA,

Defendants

08 CV 1549 (JGK)

ELECTRONICALLY FILED

**DECLARATION OF SERVICE**

**KURT R. VELLEK**, hereby declares under penalty of perjury that on June 23, 2008, the Declaration of Jacob S. Pultman and the Memorandum of Law in Opposition to the Defendants' Motions to Quash Service of the Summons and Complaint, and Motions to Dismiss the Complaint were served upon the attorneys for the defendants via the Court's CM/ECF system.

Dated: New York, New York  
June 23, 2008

/s/ Kurt R. Vellek